

**REGIONAL TRIBAL OPERATIONS COMMITTEE MEETING
U.S. EPA REGION 5
SAGINAW CHIPPEWA INDIAN TRIBE
MT. PLEASANT, MI
SEPTEMBER 04, 2002**

Meeting Participants

Casey Ambutas, EPA, IEO	David Ullrich, EPA, Deputy RA
Robert Springer, EPA, WPTD	Seth Dibblee, EPA, WPTD
David Jones, Huron Potawatomi	Gary Gulezian, EPA, GLNPO
Steve Rothblatt, EPA, ARD	Don DeBlasio, EPA,
Larry Wawronowicz, Lac du Flambeau	Paulette Foreste, EPA, IEO
Taimi Hoag, Little Traverse Bay Bands	Lisa C. Farmby-Fleet, EPA, IEO
Jodi Traub, EPA, WD	Bill Muno, EPA, SF
Bharat Mathur, EPA, Deputy RA	Norman Niedergang, EPA, RMD
Bill Dew, EPA, IEO	Mark Dziadosz, Grand Traverse Band
Tom Skinner, EPA Regional Administrator	Dwight Sargent, ITC of MI Inc.
Doug Craven, Little Traverse Bay Band	Barbara Wester, EPA, ORC
Ferdinand Martineau, Fond du Lac Res	Sally Kniffen, Saginaw Chippewa
Jennifer Manville, MI Liaison EPA, IEO	Robert Pegaso, Saginaw Chippewa Tribe
Don Seal, Saginaw Chippewa	John Persell, Minnesota Chippewa

Opening Remarks

Members of the Saginaw Chippewa Tribal Council provided a welcome and opening prayer. Craven and Skinner thanked everyone for coming to the meeting. Introductions were made.

RTOC Administrative Business

Persell presented Springer with an appreciation award, on behalf of the Midwestern Alliance of Sovereign Tribes, recognizing his 18 years of service to the Midwest tribes.

According to Craven, revisions to the RTOC Charter regarding tribal science council representation and RTOC/NTOC representatives were discussed at the tribal caucus meeting held earlier in the day. Additional discussion is needed and final revisions will be sent to the U.S. EPA for approval at the December 2002 RTOC meeting. Craven also indicated that John Persell will continue to serve as the Region 5 tribal representative to the Tribal Science Counsel through December 2003.

A copy of the revised minutes from the June 2002 RTOC meeting was provided in the RTOC packet. Approval of the June RTOC meeting minutes was postponed to allow the RTOC members time to review the revised minutes. Craven suggested for future RTOC meetings that a recording device be used to ensure accuracy of meeting minutes. Skinner agreed that a recording device would be provided at the next meeting. In addition, some tribes have reported that they are not receiving RTOC meeting notices and notes. The RTOC tribal representatives will determine the status in their respective states.

Dew reported on three items from the RTOC tracking matrix that had been raised during the June RTOC meeting. These included (1) Jodi Traub had committed to contacting the State of Michigan regarding the availability of public notices of Clean Water Act Section 404 permit applications. Traub had contacted MDEQ regarding the availability of public notices and had sent correspondence to the Little Traverse Bay Bands discussing this issue. (2) Bill reported that Region 5 held a meeting with one tribe which is working on a "treatment as state" application. (3) Ferdinand Martineau forwarded the selection of the Central States Regional Air Planning Association (CENRAP) representative to Rothblatt who sent this information to Larry Byrum.

Wawronowicz gave update on NTOC meeting. Included in the RTOC packet was a Summary of Indian Country Environmental Priorities, which outlined the NTOC Tribal Caucus FY 2004 budget recommendations for U.S. EPA. The Region 5 tribal representatives to the NTOC will now be

Apesanahkwat and Hoag. If Apesanahkwat resigns, then Wawronowicz will return as a representative and serve out Apesanahkwat's term.

Ambutas reported on the August 2002, Federal Agency MOU Workgroup meeting, which was hosted by the Hannahville Indian Community. He summarized key meeting items, which were further detailed in a copy of the Federal Agency MOU Workgroup minutes which were included in the RTOC packets. Key items included: (1) assisting tribes to establish a tribal planners workgroup, (2) providing NEPA training, (3) possibility of coordinating strategic planning information across the Agencies, which would allow the workgroup members to determine whether there are overlapping activities and to provide tribes with a resource to use to identify assistance that is available from the different agencies, and (4) development of a water issues tracking matrix similar to the one created for solid waste issues. Items 3 and 4 will be further discussed at the next workgroup meeting, which is scheduled for November 6, 2002. The meeting will be hosted by Natural Resources Conservation Service will likely be held in Green Bay, Wisconsin.

Watershed Initiative

Traub presented a handout and explained that the watershed initiative is a new grant program to encourage the protection and restoration of the nation's water bodies through the use of watershed-based approaches to grant funding. The President's Fiscal Year 2003 budget, which is now before Congress, incorporates a request for \$21 million for this Watershed Initiative. U.S. EPA will select, through a competitive process up to 20 watersheds throughout the country, for grants to support promising watershed-based approaches to planning and protection of water resources. Tribal leaders can nominate up to two Tribal watersheds each; and in addition, there is no limit on the number of inter-state or joint State and Tribal watersheds that can be nominated. Nominations are due on or before November 21, 2002. Once nominations have been submitted, the Regions will be asked to review all nominations relating to their regions, and then will be able to nominate up to four projects back to U.S. EPA's Headquarters office, which will make the final selections. U.S. EPA expects the announcement of the final selections to be made in May 2003. U.S. EPA Headquarters has sent letters on the Watershed Initiative to Tribal leaders throughout the country. Region 5 staff have e-mailed information to Tribal environmental staff. U.S. EPA staff are available to answer technical questions that may arise as tribes put together nominations. Any questions regarding the Initiative may be directed to Paul Thomas of the Region 5 Wetlands and Watersheds Branch (thomas.paul@epa.gov). Skinner noted that this program is a recognition by U.S. EPA that tribes and states have key roles in watershed planning and protection.

Tribal Science Council

Persell gave briefing on Tribal Science Council (TSC). The next meeting will be held in Washington, DC the week of September 17, 2002. At that meeting, the TSC will discuss developing tribal priorities, which at this point include "defining traditional lifeways," measuring the potential impact of endocrine disruptors on tribal populations, measuring the cumulative risk of biological contaminants, POPs, measuring environmental and public health impact of pharmaceutical accumulation in waste water, examining potential environmental impacts of genetically modified organisms, and addressing chronic wasting disease. Persell also discussed the TSC's focus on developing standardized approaches for writing Quality Assurance Project Plans that could be used to satisfy QAPP requirements in U.S. EPA grants across multiple media, and can be approved in a more timely manner. Persell concluded that the focus of the TSC will be to bring traditional knowledge to bear on western science approaches to addressing environmental problems.

Ullrich inquired about how many members TSC has, Persell stated that there are 15 U.S. EPA representatives (six from HQ's and one from each of the 9 Regions with tribes) and nine tribal representatives that make up the body of the council. The tribes in Alaska would like one representative similar to the structure of the NTOC.

TSC priorities are driven by tribal members of the TSC and final decisions are made by the entire council. TSC is currently working on a proposal to present to U.S. EPA that would request administrative assistance for the group, specifically someone who could take minutes and perform other administrative functions.

The Office of Research and Development is hosting a Genetically Disrupting Chemicals meeting on September 19, 2002, please contact Persell for further information.

Total Maximum Daily Loads (TMDL's)

Traub presented a handout which provided an overview of TMDLs. She explained that TMDLs are one tool among many that can be used in watershed management. She further explained that U.S. EPA does not currently have the basis for developing TMDLs in Indian country because there are currently no federally approved water quality standards for Indian country (with the exception of two tribes who have been federally authorized to implement the Clean Water Act's water quality standards provision). U.S. EPA's handout explains that state TMDLs will not be approved for Indian Country areas.

Tribes may be able to assist in the development of state TMDL's by participating in workgroups, providing input into the development of TMDL's for listed waters in their watersheds, reviewing proposed state CWA 303(d) lists. If tribes have monitoring data that shows that a water is impaired, they can provide comments to U.S. EPA and provide data to support their findings. To date there have been two meetings in Minnesota with U.S. EPA, MPCA and the tribes to discuss TMDLs.

Traub also explained that it is not workable to address some contaminants through the TMDL process. Mercury is one such contaminant. Traub explained that Region 5 currently is proposing a "mercury phase-down" approach for addressing mercury contamination. This approach would include: increased regulation of mercury air emissions, contaminated sediment remediation, and voluntary pollution prevention activities.

Wawronowicz stated that TMDLs for water bodies in ceded territories should take into consideration tribal treaty rights to hunt, fish, and gather. Traub would like feedback from tribes on which water bodies are of concern. RTOC representatives should obtain feedback and convey to Traub. The tribal environmental agreement process is a good time to identify watersheds of concern.

Persistent Organic Pollutants (POPs)

Dibblee provided a number of handouts and presented an overview of the POPs issue. Dibblee explained that POPs are chemicals that were introduced into commercial use during the boom in industrial production after World War II, and that these chemicals had unforeseen effects on human health and the environment.

Some of the more well-known POPs are PCBs, DDT and dioxins, which include a range of substances such as intentionally produced chemicals (electrical transformers and large capacitors, as hydraulic and heat exchange fluids and as additives to paints and lubricants) and unintentionally produced chemicals (municipal and medical waste incineration and backyard burning of trash).

POPs are a concern because of the following characteristics, toxicity, persistence, long-range transport and bioaccumulation.

In May 2001, the Stockholm Convention on Persistent Organic Pollutants was negotiated to address POPs issues globally. One hundred fifty-one countries have signed the Treaty and 16 have ratified. Impacts to Alaska and the great Lakes are central to the Treaty. For further information on POPs issues, please contact Dibble at 312/886-5992.

Government Performance and Results Act

Niedergang explained that U.S. EPA is required to revise its Strategic Plan by September 30, 2003. A draft Strategic Plan must be sent to the Office of Management and Budget by March 2003. A written summary was provided outlining the process for revising the Strategic Plan and to solicit some early input from Tribes on their priorities for environmental and human health protection that could be incorporated into the revised plan.

The strategic goals have been reduced from ten to five, and include: clean air, clean water, clean land, communities and ecosystems, and compliance and environmental stewardship. There will be a national meeting held in mid-October.

Mathur suggested that it might be beneficial to set-up a goal structure for tribal input on environmental/human health priorities at future RTOC meetings and spend some time discussing EPAs upcoming meetings which pertain to the Tribes.

A letter entitled "Consultation on the 2003 Strategic Plan" was included in the RTOC packets. The letter will be mailed to all Tribal leaders and environmental contacts, and include a fact sheet providing an overview schedule for the revision process, and a set of questions for Tribes to answer, to provide U.S. EPA information on tribal priorities for use in revising the Strategic Plan. Tribes are asked to contact Dew or John Haugland of the IEO if they have any questions or would like to further discuss the plan.

Direct Implementation

Rothblatt, Springer, Traub, and Muno reviewed the direct implementation accomplishments for their respective divisions during the fourth quarter of FY 2002. Copies of the direct implementation handouts were included in the RTOC packets.

Wester explained that the Region currently is working with U.S. EPA's national Office of Water and other regions to develop and reissue a national NPDES construction stormwater discharge general permit that would cover Indian country areas across the United States and which will include Region 5 for the first time. Wester explained that Region 5 is participating in this national effort in lieu of proceeding to develop state-specific general federal permits for each state containing Indian country in the Region. She explained that EPA believes that participation in this national effort will ensure the timely extension of general permitting authority to all Indian country areas in the Region. The Region expects to hold a consultation with Michigan tribes on this general permit approach in late October.

Traub distributed a handout entitled "Region 5 Water Program Long-Term Environmental Goals Intermediate-Term Measures of Success and Strategies for their Attainment." In 2001 the Region 5 Water Division began a comprehensive effort to very specifically define environmentally-based goals for the water programs. The goals would serve dual purposes of being a compass point, toward which resources and program efforts would be aimed, and being a benchmark against which progress would be determined. If Tribes would like further details, please contact Traub's office.

Mathur discussed annual DI proposals and asked tribes if they had any concerns with direct implementation. He stated that U.S. EPA is working on developing an approach for handling inspections of facilities in Indian country and asked the RTOC members to consider whether a more visible EPA inspector presence is desirable. U.S. EPA is also proceeding to offer training courses needed as a prerequisite to approving federal credentials for tribal inspectors. Skinner stated that EPA would provide a written update on tribal inspector credentials.

Open Forum

Dew stated that the U.S. EPA Office of Enforcement and Compliance Assistance (OECA) is developing a Strategy to define OECA's Enforcement and Compliance Assistance goals for Indian country. Wester explained that the draft document will be discussed at the NTOC at the end of September that U.S. EPA expects that the draft Strategy will be sent to the RTOC and individual tribes for comment in early October, with a sixty to ninety day comment period.

The Native American Fish and Wildlife Society Midwest Regional Meeting will be held next week at the White Earth Reservation in Minnesota. Please contact Don Rider for further information.

Next RTOC Meeting

The next RTOC meeting will be held at the U.S. EPA Region 5 office in Chicago, Illinois on Wednesday, December 4, 2002.